

Message Text

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ACTION IO-10

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 RSC-01 ISO-00

L-02 /066 W

----- 084068

R 130022Z NOV 74

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 7336

INFO AMEMBASSY THE HAGUE

AMEMBASSY STOCKHOLM

UNCLAS SECTION 1 OF 2 USUN 4949

E.O. 11652: N/A

TAGS: UNGA, SHUM

SUBJ: 29TH GA--THIRD COMMITTEE DRAFT DECLARATION ON THE
ELIMINATION OF ALL FORMS OF INTOLERANCE AND
DISCRIMINATION BASED ON RELIGION OR BELIEF

1. NETHERLANDS AND SWEDEN TABLED WORKING PAPER TODAY,
NOV 12, ON ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE
(A/C.3/L.2131). TEXT FOLLOWS BELOW.

2. COMMENT:

A. DEPT WILL RECOGNIZE THAT PREAMBLE IS ESSENTIALLY
DRAFT SUBMITTED BY BYELORUSSIA TO 30TH SESSION OF HUMAN
RIGHTS COMMISSION (HRC), DERIVED FROM PREAMBLE TO DRAFT
CONVENTION ON SAME SUBJECT BUT WITH AMENDMENTS PROPOSED
BY NETHERLANDS DURING WORKING GROUP CONSIDERATION BY
BYELORUSSIAN DRAFT IN FEB 1974.

B. OPERATIVE ARTICLES I-VI ARE DERIVED FROM DRAFT PREPARED
BY WORKING GROUP SET UP BY HRC AT 20TH SESSION. OP PARTICLES
VII, VIII, AND IV WERE PROPOSED BY NETHERLANDS DURING
THIRD COMITE DISCUSSION OF THIS SUBJECT LAST YEAT AT 28TH
UNGA.

C. NETHERLANDS REP SPEEKENBRINK EXPECTS TO INTRODUCE
THIS WORKING PAPER TOMORROW WEDNESDAY, NOV 13, OR NEXT DAY.
DESPITE BULGARIAN/BYELORUSSIAN DRAFT RES DESIGNED TO DEFER
CONSIDERATION OF THIS ITEM PENDING HRC ACTION ON IT (USUN
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4936), SPEEKENBRINK HOPES TO HAVE THIRD COMITE APPROVE

DRAFT ALONG LINES OF THIS WORKING PAPER AND TO REFER IT
AS AGREED TEXT FOR CONSIDERATION BY HRC AT ITS NEXT SESSION.

QTE: THE GENERAL ASSEMBLY,

CONSIDERING THAT ONE OF THE BASIC PRINCIPLES OF THE CHARTER
OF THE UNITED NATIONS IS THAT OF THE DIGNITY AND EQUALITY
INHERENT IN ALL HUMAN BEINGS, AND THAT ALL STATES MEMBERS
HAVE PLEDGED THEMSELVES TO TAKE JOINT AND SEPARATE ACTION
IN CO-OPERATION WITH THE ORGANIZATION TO PROMOTE AND
ENCOURAGE UNIVERSAL RESPECT FOR AND OBSERVANCE OF HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL, WITHOUT
DISTINCTION AS TO RACE, SEX, LANGUAGE OR RELIGION,

CONSIDERING THAT THE UNIVERSAL DECLARATION OF HUMAN RIGHTS
AND THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS PROCLAIM
THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE, RELIGION AND
BELIEF, INCLUDING THE RIGHT TO MANIFEST ONE'S RELIGION
OR BELIEF IN WORSHIP, OBSERVANCE, PRACTICE AND TEACHING,
AS WELL AS THE PRINCIPLE OF NON-DISCRIMINATION AND THE
RIGHT OF EQUALITY BEFORE THE LAW,

CONSIDERING THAT THE DISREGARD AND INFRINGEMENT OF HUMAN
RIGHTS AND FUNDAMENTAL FREEDOMS, AND IN PARTICULAR OF THE
RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE, RELIGION
OR BELIEF HAVE BROUGHT, DIRECTLY OR INDIRECTLY, WARS AND
GREAT SUFFERING TO MANKIND, ESPECIALLY WHEN MANIFESTATIONS
OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION
OR BELIEF AMOUNT TO KINDLING HATRED BETWEEN PEOPLES AND
NATIONS,

CONSIDERING THAT RELIGION OR BELIEF, FOR ANYONE WHO PROFESSES
EITHER, IS ONE OF THE FUNDAMENTAL ELEMENTS IN HIS CONCEPTION
OF LIFE AND THAT FREEDOM OF RELIGION OR BELIEF SHOULD BE
FULLY RESPECTED AND GUARANTEED,

CONSIDERING IT ESSENTIAL THAT GOVERNMENTS, ORGANIZATIONS
AND PRIVATE PERSONS SHOULD STRIVE TO PROMOTE THROUGH EDUCATION,
AS WELL AS BY OTHER MEANS, UNDERSTANDING, TOLERANCE
AND RESPECT IN MATTERS RELATING TO FREEDOM OF RELIGION OR
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BELIEF, AND THAT THEY SHOULD NOT ENGAGE IN ANY ACTIVITIES OR
PERFORM ANY ACTS AIMED AT THE DESTRUCTION OF ANY OF THE PURPOSES AND
PRINCIPLES
SET FORTH IN THE PRESENT DECLARATION,

NOTING WITH SATISFACTION THE ADOPTION OF SEVERAL, AND THE
COMING INTO FORCE OF SOME, CONVENTIONS UNDER THE AEGIS
OF THE UNITED NATIONS AND OF THE SPECIALIZED AGENCIES,

FOR THE ELIMINATION OF VARIOUS FORMS OF DISCRIMINATION,

CONCERNED BY MANIFESTATIONS OF INTOLERANCE AND BY THE EXISTENCE
OF DISCRIMINATION IN MATTERS OF RELIGION OR BELIEF
STILL IN EVIDENCE IN SOME AREAS OF THE WORLD,

RESOLVED TO ADOPT ALL NECESSARY MEASURES FOR THE SPEEDY
ELIMINATION OF SUCH INTOLERANCE IN ALL ITS FORMS AND MANIFESTA-
TIONS AND TO PREVENT AND COMBAT DISCRIMINATION ON THE GROUND
OF RELIGION OR BELIEF,

CONVINCED THAT THE RIGHT TO FREEDOM OF RELIGION OR BELIEF
SHOULD NOT BE ABUSED AS A MEANS TO PURSUE OR TO CONTINUE
ANY IDEOLOGIES OR PRACTICES OF COLONIALISM AND RACISM.

ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

PROTECTION OF THE FREEDOM OF RELIGION OR BELIEF

ARTICLE I

EVERYONE HAS THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE
AND RELIGION. THIS RIGHT SHALL INCLUDE FREEDOM TO ADHERE
OR NOT TO ADHERE TO ANY RELIGION OR BELIEF AND TO CHANGE HIS
RELIGION OR BELIEF IN ACCORDANCE WITH THE DICTATES OF HIS
CONSCIENCE, WITHOUT BEING SUBJECTED TO ANY COERCION LIKELY
TO IMPAIR HIS FREEDOM OF CHOICE OR DECISION IN THE MATTER.
THE EXPRESSION "RELIGION OR BELIEF" SHALL INCLUDE THEISTIC,
NON-THEISTIC AND ATHEISTIC BELIEFS.

ARTICLE II

DISCRIMINATION BETWEEN HUMAN BEINGS ON THE GROUND OF RELIGION
OR BELIEF IS AN OFFENCE TO HUMAN DIGNITY AND SHALL BE CONDEMNED
AS A DENIAL OF THE PRINCIPLES OF THE CHARTER OF THE UNITED
NATIONS, AS A VIOLATION OF THE HUMAN RIGHTS AND FUNDAMENTAL
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FREEDOMS PROCLAIMED IN THE UNIVERSAL DECLARATION OF HUMAN
RIGHTS AND ELABORATED IN THE INTERNATIONAL COVENANTS
ON HUMAN RIGHTS AND AS AN OBSTACLE TO FRIENDLY AND PEACEFUL
RELATIONS AMONG NATIONS.

ARTICLE III

1. NO INDIVIDUAL OR GROUP SHALL BE SUBJECTED BY ANY STATE,
INSTITUTION, GROUP OR INDIVIDUAL ON THE GROUND OF RELIGION OR
BELIEF TO ANY DISCRIMINATION IN THE RECOGNITION, EXERCISE
AND ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

2. EVERYONE HAS THE RIGHT TO EFFECTIVE REMEDIAL RELIEF
BY THE COMPETENT NATIONAL AUTHORITIES AGAINST ANY ACTS
VIOLATING THE RIGHTS SET FORTH IN THIS DECLARATION OR
ANY ACTS OF DISCRIMINATION HE MAY SUFFER ON THE GROUNDS
OF RELIGION OR BELIEF WITH RESPECT TO HIS FUNDAMENTAL
RIGHTS AND FREEDOMS.

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INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-10 RSC-01 ISO-00

L-02 /066 W

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R 130022Z NOV 74

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ARTICLE IV

ALL STATES SHALL TAKE EFFECTIVE MEASURES TO PREVENT AND ELIMINATE DISCRIMINATION BASED ON RELIGION OR BELIEF, IN THE RECOGNITION, EXERCISE, AND ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ALL FIELDS OF CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL LIFE. THEY SHALL ENACT OR RESCIND LEGISLATION WHERE NECESSARY TO PROHIBIT SUCH DISCRIMINATION AND TAKE ALL APPROPRIATE MEASURES TO COMBAT THOSE PREJUDICES WHICH LEAD TO RELIGIOUS INTOLERANCE.

ARTICLE V

PARENTS OR LEGAL GUARDIANS HAVE THE RIGHT TO DECIDE UPON THE RELIGION OR BELIEF IN WHICH A CHILD SHOULD BE BROUGHT UP. WHEN THE CHILD HAS REACHED A SUFFICIENT DEGREE OF UNDERSTANDING HIS WISH SHALL BE TAKEN INTO ACCOUNT.

ARTICLE VI

EVERY PERSON AND EVERY GROUP OR COMMUNITY HAS THE RIGHT TO MANIFEST THEIR RELIGION OR BELIEF IN PUBLIC OR IN PRIVATE, WITHOUT BEING SUBJECTED TO ANY DISCRIMINATION ON THE GROUND OF RELIGION OR BELIEF; THIS RIGHT INCLUDES IN PARTICULAR:

1. FREEDOM TO WORSHIP, TO ASSEMBLE AND TO ESTABLISH AND MAINTAIN PLACES OR WORSHIP OR ASSEMBLY;
2. FREEDOM TO TEACH, TO DISSEMINATE, AND TO LEARN THEIR RELIGION OR BELIEF AND ALSO ITS SACRED LANGUAGES OR TRADITIONS;
3. FREEDOM TO PRACTISE THEIR RELIGION OR BELIEF BY ESTABLISHING AND MAINTAINING CHARITABLE AND EDUCATIONAL

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INSTITUTIONS AND BY EXPRESSION THE IMPLICATIONS OF RELIGION
OR BELIEF IN PUBLIC LIFE;

4. FREEDOM TO OBSERVE THE RITES OR CUSTOMS OF THEIR RELIGION
OR BELIEF.

ARTICLE VII

RELIGIOUS CONGREGATIONS HAVE THE RIGHT TO TRAIN MINISTERS
AND TEACHERS AND TO HAVE CONTACTS WITH COMMUNITIES AND
INSTITUTIONS BELONGING TO THE SAME RELIGION OR BELIEF BOTH
WITHIN THE COUNTRY AND ABROAD.

ARTICLE VIII

NEITHER THE ESTABLISHMENT NOR THE RECOGNITION OF A RELIGION
OR BELIEF BY A STATE NOR THE SEPARATION OF RELIGION OR BELIEF
FROM A STATE SHALL BY ITSELF BE CONSIDERED DISCRIMINATION
ON THE GROUND OF RELIGION OR BELIEF.

ARTICLE IX

GOVERNMENTS, ORGANIZATIONS, AND PRIVATE PERSONS SHALL
STRIVE TO PROMOTE, THROUGH EDUCATION AS WELL AS BY OTHER MEANS,
UNDERSTANDING, TOLERANCE AND RESPECT IN MATTERS
RELATING TO FREEDOM OF RELIGION AND BELIEF. FREEDOM OF
RELIGIOUS AND NON-RELIGIOUS BELIEF SHALL NOT BE USED FOR
PURPOSES OF KINDLING HATRED BETWEEN PEOPLES AND DIFFERENT
RELIGIOUS AND NATIONAL GROUPS. UNQTE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMMITTEE MEETINGS, RELIGIOUS DISCRIMINATION
Control Number: n/a
Copy: SINGLE
Draft Date: 13 NOV 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974USUNN04949
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740326-0512
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741145/aaaabmgb.tel
Line Count: 252
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 14 NOV 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 NOV 2002 by shawdg>; APPROVED <19-Nov-2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: 29TH GA--THIRD COMMITTEE DRAFT DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND
TAGS: SHUM, UNGA
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005